

To: ALDRICH Greg [ALDRICH.Greg@deq.state.or.us]
Cc: 'Allison Castellan' [allison.castellan@noaa.gov]; N=David Powers/OU=R10/O=USEPA/C=US@EPA;CN=Robert Goo/OU=DC/O=USEPA/C=US@EPA;TROX.Randall@deq.state.or.us[]; N=Robert Goo/OU=DC/O=USEPA/C=US@EPA;TROX.Randall@deq.state.or.us[]; ROX.Randall@deq.state.or.us[]
Bcc: []
From: CN=Don Waye/OU=DC/O=USEPA/C=US
Sent: Thur 11/15/2012 3:03:12 PM
Subject: RE: Onsite Time of Transfer Rulemaking
aldrich.greg@deq.state.or.us
powers.david@epa.gov
waye.don@epa.gov
ALDRICH.Greg@deq.state.or.us
aldrich.greg@deq.state.or.us
 (embedded image)

Greg,

If the rule is adopted by next March, with implementation to occur at some date-certain later in 2013, that is not a problem. What is a problem is if the rule remains in a proposed state (which is the same in effect as having no rule at all) or if the adopted version deviates significantly from the version that EPA and NOAA have already reviewed and blessed.

Don Waye
 U.S. Environmental Protection Agency
 Nonpoint Source Control Branch (OWOW/AWPD)

USPS Mailing Address:	Office (FedEx/UPS delivery):
Mail Code 4503T	Room 7417H
1200 Pennsylvania Ave, NW	1301 Constitution Ave, NW
Washington, DC 20460	Washington, DC 20004

Phone: (202) 566-1170 Fax: (202) 566-1331
 Email: waye.don@epa.gov Website: epa.gov/nps

From: ALDRICH Greg <ALDRICH.Greg@deq.state.or.us>
 To: David Powers/R10/USEPA/US@EPA, Don Waye/DC/USEPA/US@EPA, 'Allison Castellan' <allison.castellan@noaa.gov>
 Date: 11/14/2012 08:06 PM
 Subject: RE: Onsite Time of Transfer Rulemaking

Dave, Don and Allison.

Here is an update on the onsite rulemaking. We are planning to take the rulemaking to the March 20-21 Environmental Quality Commission meeting for rule consideration and adoption. Given the timing in March, it does not make sense to have implementation start on March 31. What makes more sense for many reasons is an implementation date of July 31 or August 1. Here is why:

- It gives us time to inform the public and Realtors about the new requirement
- Our request to the Legislature for an onsite inspector will not be approved before the end of Session, likely in June
- We will not have the new inspector on staff before 8/1.

- Our onsite web-based time of transfer tracking system will not be operational until July 2013
- Given the sensitivity to this onsite rulemaking with some legislators, a delayed implementation date until after Session provides a safety release valve. If they chose to limit our authority, we will know before we start implementing the new rules. The delayed implementation will also lessen the potential sting of the Commission adopting the new rules while the Legislature may still be debating the issue.

As I mentioned to Dave on the phone, my goal is to be successful in adopting and implementing these new rules. I don't want to risk losing this opportunity by going too fast right now.

I am very interested in your thoughts and concerns. Again, let me know if a conversation makes sense.

Thank you for your consideration.

Greg

Gregory K. Aldrich
Water Quality Division Administrator
503.229.6345
971.563.3883 (cell)
aldrich.greg@deq.state.or.us

From: Powers.David@epamail.epa.gov [mailto:Powers.David@epamail.epa.gov]
Sent: Tuesday, November 13, 2012 5:54 PM
To: ALDRICH Greg
Subject: Re: Onsite Time of Transfer Rulemaking

Greg - Don Wayne is the primary person reviewing the Onsite issue and sent me the e-mail below saying he is o.k. with Oregon's approach. I gave the same update to Allison and she didn't raise any issues or seemed concerned...plus she has deferred to Don in the past. I should clarify that I only told Don and Allison that the timeline would slip because DEQ needed to work with the Legislature...I didn't say there would be a major change in DEQ's approach...am I on target? Dave

David Powers
Regional Manager for Forests and Rangelands
USEPA Region 10, OOO
805 SW Broadway, Suite 500
Portland, OR 97205
503-326-5874
powers.david@epa.gov

Dave,

Thanks for the update. I understand and appreciate OR DEQ's rationale.

Don Wayne
U.S. Environmental Protection Agency
Nonpoint Source Control Branch (OWOW/AWPD)

USPS Mailing Address: Office (FedEx/UPS delivery):
Mail Code 4503T Room 7417H
1200 Pennsylvania Ave, NW 1301 Constitution Ave, NW
Washington, DC 20460 Washington, DC 20004

Phone: (202) 566-1170 Fax: (202) 566-1331
Email: waye.don@epa.gov Website: epa.gov/nps

ALDRICH Greg ---11/13/2012 05:10:25 PM---Dave, Have you had an opportunity to check in with Allison and Don about our status on this rulemaki

From: ALDRICH Greg <ALDRICH.Greg@deq.state.or.us>
To: David Powers/R10/USEPA/US@EPA
Date: 11/13/2012 05:10 PM
Subject: Onsite Time of Transfer Rulemaking

Dave,

Have you had an opportunity to check in with Allison and Don about our status on this rulemaking? I would appreciate knowing where they are and where to next. Also, let me know if I need to talk with them to explain the situation.

Thanks.

Greg

Gregory K. Aldrich
Water Quality Division Administrator
503.229.6345
971.563.3883 (cell)
aldrich.greg@deq.state.or.us